

Dept (195 D) Department

MS SERIES.

Letter G.O. No. 947

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Dated 10-3-1951

[Despatch Abstract.]

Acts & Regulations - Employees State Insurance
Act, 1948 - Section 94 of the Act - Draft Regulations
thereunder - Opinion

GOVERNMENT OF MADRAS.
Development Department.
Abstract.

Letter No.Ms.947, dated 10th March 1950.

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From

The Secretary to Government,
Development Department.

To

The Director General,
Employees State Insurance Corporation,
Ministry of Labour, New Delhi.

Sir,

Sub: Acts and Regulations - Employees' State
Insurance Act, 1948 - Section 97 of the Act -
Draft Regulations thereunder - Opinion.

Ref: Your letters Nos.RS/1/49, RS/4/49 and RS/5/48
dated 17.1.50.

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With reference to the letters cited, I am directed to state that the Government of Madras have no remarks to offer in respect of the Employees' State Insurance Corporation (Provincial Fund) Staff Regulations. This Government however offer the following remarks on the Draft, Employees' State Insurance (General) Regulations.

Draft Regulation 17. As the majority of the insured persons may be illiterates, it seems undesirable to charge a fee of Rs.2/- for the issue of a duplicate. It is suggested that a provision may be made for the issue of a duplicate free of charge in the first instance and a fee of rupee one only may be charged on a second and subsequent occasions. This regulation may accordingly be amended.

Draft Regulation 21. It is said that the Contribution Cards should be handed over to the Inspector on demand and that the employer shall prepare duplicates immediately. Supposing the Inspector takes away with him say ten or more cards at a time, it may be very difficult for the employer to prepare the duplicates. It will tax the employer with additional work and may lessen his enthusiasm for spirit of the Scheme. Hence, it is suggested that the last sentence:- "The employer by the Inspector" may be omitted and the following "and shall return the same to the employer within five days" may be added to the penultimate sentence.

Draft Regulation 25: The time limits given in items (a) to (c) may be extended to 5, 5 and 15 days respectively so as to enable the employer to cause necessary enquiries before he returns the Cards to the appropriate Regional Office.

Draft Regulation 27: If the Corporation prepares and issues Contribution Cards the employer should be informed sufficiently in advance of the proposed action to be taken by the Corporation. Hence the expression"- and when it does so of such person" may be substituted by "previous intimation to the employer."

Draft Regulation 57: The words " and produce it on demand." may be added at the end of this regulation.

P.T.O.

Draft Regulations 70 & 76: The term 'prescribed' occurs in these draft regulations. But no forms for the purpose mentioned therein have been made either in the Central Rules or in these regulations. Hence suitable forms may be prescribed for these purposes.

Draft Regulation 73: The appeal Tribunal may also consist of one more impartial member who is well acquainted with the society economic problems of the workers.

Draft Regulation 75: It is not desirable to keep the dead body or 24 hours awaiting the arrival of the Insurance Medical Officer. If the M.O. is unable to arrive within 12 hours of the time of report to him, the body may be removed to the nearest Government Hospital for post-mortem examination. The proviso to the existing draft regulation may suitably be amended.

Draft Regulation 76: In view of the amendment suggested to draft regulation 75, after the words "An Insurance Officer" occurring in this regulation or any other officer" may be added.

Draft Regulation 77: The following may be added as sub-clause (e) to clause (2) of this regulation and the existing, sub-clause (e) renumbered as (f):-

"A certificate from a Registered Medical Practitioner showing the approximate age."

Draft Regulation 78: The expression 'put up a notice in a prominent place in the office and also' may be inserted after the words '(the appropriate Regional Office shall' as it is desirable to put up such a notice in a prominent place of the Regional office for public information.

Draft Regulations 94 and 95: The employer is likely to abuse the powers conferred on him xxx by these regulations and consequently the very purpose of the scheme will be defeated. Hence a provision should be made that only with the previous approval of the Director General or any other authority authorised by him, an employer can discontinue or reduce benefits and may dismiss, discharge, reduce or otherwise punish an employee.

Forms To facilitate easy reference, ^{it} would be better if the number of the relevant regulation is specified under each form.

(Sd.) x x x
Secretary to Government.

To The Commissioner of Labour, Madras.
The Surgeon General, Madras.

/True Copy/.

Vn.25.9.

R. Inagayand
4.10.56
SUPERINTENDENT.
Madras Record Office, Madras.

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